

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, February 7, 2017, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor John Clark, Presiding

Vice Mayor Mike McIntire

Alderman Darrell Duncan

Alderman Colette George

Alderman Tommy Olterman

Alderman Tom C. Parham

Alderman Tom Segelhorst

City Administration

Jeff Fleming, City Manager

J. Michael Billingsley, City Attorney

James Demming, City Recorder/Chief Financial Officer

I. **CALL TO ORDER:** 7:00 p.m., by Mayor John Clark.

II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Griffith Kegley.

II.B. **INVOCATION:** Penny Hagy, Minister at Evangel Family Worship Center

III. **ROLL CALL:** By City Recorder Demming. All Present.

IV.A. **RECOGNITIONS AND PRESENTATIONS.**

1. Above & Beyond – Griffith Kegley, Eagle Scout.

2. Above & Beyond – Clay Walker, NETWORKS (Alderman Duncan).

IV.B. **APPOINTMENTS/REAPPOINTMENTS.**

1. **Appointment to the Regional Planning Commission** (AF: 21-2017)
(Mayor Clark).

Motion/Second: McIntire/George, to approve:

APPOINTMENT OF MRS. PAULA STAUFFER TO SERVE ON THE **REGIONAL PLANNING COMMISSION** TO FULFILL THE UNEXPIRED TERM OF HER LATE HUSBAND, MR. DAVID STAUFFER. THE APPOINTMENT IS EFFECTIVE IMMEDIATELY AND WILL EXPIRE ON MAY 31, 2019.

Passed: All present voting “aye.”

V. **APPROVAL OF MINUTES.**

Motion/Second: Olterman/Parham, to approve minutes for the following meetings:

A. January 17, 2017 Regular Work Session

B. January 17, 2017 Regular Business Meeting

Approved: All present voting “aye.”

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VI. COMMUNITY INTEREST ITEMS.

A. PUBLIC HEARINGS. None.

PUBLIC COMMENT. Mayor Clark invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Condemn (AF: 28-2017)
(Mike Billingsley).

Motion/Second: McIntire/Duncan, to pass:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Application and Acceptance of Contract with the Tennessee Department of Transportation for Federal and State Transportation Planning Funds and Appropriating the Funds (AF: 31-2017) (Bill Albright).

Motion/Second: Parham/Segelhorst, to pass:

Resolution No. 2017-138, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A GRANT CONTRACT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE FEDERAL TRANSIT ADMINISTRATION SECTION 5303 PLANNING FUNDS FOR USE BY THE KINGSPORT AREA METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION

Passed: All present voting "aye."

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE MPO PROJECT FUND BUDGET FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

3. Revisions to Sewer Use Ordinance to Reflect Changes to Match Tennessee Department of Environment and Conservation Rule Reference Numbers (AF: 36-2017) (Ryan McReynolds).

Motion/Second: McIntire/Duncan, to pass:

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AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 102-142 PERTAINING TO DEFINITIONS, SECTION 102-226 PERTAINING TO RESTRICTIONS ON WASTEWATER STRENGTH AND SECTION 102-359 PERTAINING TO SAMPLE COLLECTION; PROVIDING FOR THE SEVERABILITY OF THIS ORDINANCE; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE
Passed on first reading: All present voting "aye."

4. Agreement with TDOT for the State Route 93 – Fall Branch Waterline Relocation and Appropriate Funding (AF: 37-2017) (Ryan McReynolds, Chad Austin).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2017-139, A RESOLUTION APPROVING AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE STATE ROUTE 93 FALL BRANCH WATERLINE RELOCATION, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Segelhorst/Olterman, to pass:

AN ORDINANCE TO AMEND THE WATER PROJECT FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR STATE ROUTE 93 FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

5. Supplemental Agreement for Training Incentive Program for Telecommunicators (AF: 16-2017) (David Quillin).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2017-140, A RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT OF THE INTERLOCAL COOPERATION AGREEMENT WITH THE EMERGENCY COMMUNICATIONS DISTRICT, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

Motion/Second: Segelhorst/McIntire, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE EMERGENCY COMMUNICATIONS DISTRICT FOR A TRAINING INCENTIVE PROGRAM FOR 911 DISPATCHERS FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

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1. Vacate Unimproved Right-of-Way Located off Mellon Street (AF: 08-2017) (Jessica Harmon).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6639, AN ORDINANCE TO VACATE A SECTION OF PUBLIC RIGHT-OF-WAY THAT IS LOCATED OFF THE CURRENT MELLON STREET SITUATED IN THE CITY, SEVENTH CIVIL DISTRICT OF HAWKINS COUNTY; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

2. Accept and Appropriate Donations for Commissioned Artwork for the Children's Area at the Library (AF: 01-2017) (Chris McCartt).

Motion/Second: George/Parham, to pass:

ORDINANCE NO. 6640, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATED FUNDS TO THE LIBRARY CHILDREN'S ARTWORK PROJECT FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

3. Receive the Community Foundation of Middle Tennessee's Serving our Seniors Tennessee Grant and Appropriate the Funds (AF: 05-2017) (Shirley Buchanan, Chris McCartt).

Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6641, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING GRANT FUNDS TO THE SENIOR CENTER MOBILE TECHNOLOGY PROJECT FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

4. Amend the FY17 General Purpose School Fund and the General Project Fund Budgets (AF: 17-2017) (David Frye).

Motion/Second: McIntire/Parham, to pass:

ORDINANCE NO. 6642, AN ORDINANCE TO AMEND THE FY 2016-17 GENERAL PURPOSE SCHOOL FUND AND GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman,

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Parham and Segelhorst voting "aye."

5. Re-Affirm Resolution No. 2012-075 for the Recreation Trails Grant Contract and Ordinance to Establish the Project Account School Fund (AF: 02-2017) (Chris McCartt).

Motion/Second: Segelhorst/Duncan, to pass:

ORDINANCE NO. 6643, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GRANT FUNDS TO THE EAST STONE COMMON GREENBELT PHASE 2 PROJECT FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

6. Budget Adjustment Ordinance for FY17 (AF: 09-2017) (Jeff Fleming).

Motion/Second: Parham/McIntire, to pass:

ORDINANCE NO. 6644, AN ORDINANCE TO AMEND VARIOUS PROJECTS FOR THE YEAR ENDING JUNE 30, 2017; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

7. Consideration of an Ordinance for Partial Public Alley Closing (AF: 30-2017) (Ken Weems).

Motion/Second: McIntire/Duncan, to pass:

ORDINANCE NO. 6645, AN ORDINANCE TO CLOSE A PORTION OF CANAL STREET LOCATED IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Duncan, George, McIntire, Olterman, Parham and Segelhorst voting "aye."

D. OTHER BUSINESS.

1. Bid Award for the Purchase of Various Water and Sewer Maintenance Items (AF: 38-2017) (Chris McCartt, Ryan McReynolds).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2017-141, A RESOLUTION AWARDED THE BID FOR PURCHASE OF VARIOUS WATER AND SEWER MAINTENANCE ITEMS TO SOUTHERN PIPE & SUPPLY, HD SUPPLY WATERWORKS, FERGUSON ENTERPRISES, INC., CMC

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SUPPLY, INC, AND CONSOLIDATED PIPE & SUPPLY, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE SAME

Passed: All present voting "aye."

2. Issue a Change Order to Existing Purchase Order to Walton Signage for Wayfinding Sign Program Upgrades (AF: 32-2017) (Ryan McReynolds, Chris McCartt)

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2017-142, A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH WALTON SIGNAGE FOR THE WAYFINDING SIGN PROGRAM UPGRADES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER
RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH WALTON SIGNAGE FOR THE WAYFINDING SIGN PROGRAM UPGRADES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

3. Bid Award for Recycling Services with WestRock Converting Company (AF: 39-2017) (Ryan McReynolds).

Motion/Second: Segelhorst/George, to pass:

Resolution No. 2017-143, A RESOLUTION AWARDDING THE BID FOR CURBSIDE RECYCLING PROGRAM MATERIAL RECOVERY FACILITY TO WESTROCK CONVERTING COMPANY AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

4. Conveyance of Real Property to KEDB (AF: 33-2017) (Jeff Fleming).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2017-144, A RESOLUTION APPROVING A CONVEYANCE OF REAL PROPERTY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSFORT, TENNESSEE AND AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED FOR THE SAME, SUBJECT TO THE RESERVATION OF EASEMENTS FOR UTILITIES AND DRAINAGE AND TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION AND THE CONVEYANCE OF THE PROPERTY

Passed: All present voting "aye."

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5. Interlocal Agreement with the Life Saving and First Aid Crew
(AF: 34-2017) (Craig Dye).

Motion/Second: McIntire/Segelhorst, to pass:

Resolution No. 2017-145, A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH THE KINGSPORT LIFE SAVING AND FIRST AID CREW, INC. AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME

Passed: All present voting "aye."

6. Agreement with Sullivan County and the Sullivan County Board of Education (AF: 40-2017) (Mike Billingsley).

Motion/Second: McIntire/Parham, to pass:

Resolution No. 2017-146, A RESOLUTION APPROVING AN AGREEMENT WITH SULLIVAN COUNTY AND THE SULLIVAN COUNTY BOARD OF EDUCATION PERTAINING TO THE ACQUISITION OF NORTH HIGH SCHOOL PROPERTY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE INTENT OF THIS RESOLUTION AND THE AGREEMENT

Passed: All present voting "aye" except George and Olterman voting "nay."

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE WAIVING THE RIGHT OF THE CITY OF KINGSPORT FOR ITS KINGSPORT SCHOOL SYSTEM AND ITS KINGSPORT BOARD OF EDUCATION TO RECEIVE PART OF THE FUNDS DUE IT, NAMELY TWENTY MILLION DOLLARS, PURSUANT TO TENNESSEE CODE ANNOTATED SECTION 49-3-1003

Passed: All present voting "aye" except George and Olterman voting "nay."

7. Payment in Lieu of Tax Provision Negotiated by the Industrial Development Board of the City of Kingsport, Tennessee (AF: 26-2017) (Jeff Fleming).

Motion/Second: Parham/Duncan, to pass:

Resolution No. 2017-147, A RESOLUTION AUTHORIZING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF KINGSPORT, TENNESSEE TO NEGOTIATE AND ACCEPT FROM CG KINGSPORT, LLC OR AN AFFILIATED ENTITY PAYMENTS IN LIEU OF AD VALOREM TAX WITH RESPECT TO PROPERTY LOCATED AT THE CORNER OF CLINCHFIELD STREET AND SULLIVAN STREET IN THE CITY OF KINGSPORT, TENNESSEE, AND FINDING THAT SUCH PAYMENTS ARE DEEMED TO BE IN FURTHERANCE OF THE PUBLIC PURPOSES OF THE BOARD AS DEFINED IN TENNESSEE CODE ANNOTATED SECTION 7-53-305

Passed: All present voting "aye" except George voting "nay."

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8. Ground Lease between City of Kingsport and Century Link (AF: 42-2017) (Chris McCartt).

Motion/Second: Segelhorst/Duncan, to pass:

Resolution No. 2017-148, A RESOLUTION APPROVING A LEASE AGREEMENT WITH UNITED TELEPHONE SOUTHEAST, LLC D/B/A CENTURYLINK, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

9. Release of Sanitary Sewer Easement on Property Located at 3308 Ft. Henry Drive (AF: 44-2017) (Jessica Harmon).

Motion/Second: McIntire/George, to pass:

Resolution No. 2017-149, A RESOLUTION APPROVING THE RELEASE OF A SANITARY SEWER EASEMENT ON PROPERTY LOCATED AT 3308 FORT HENRY DRIVE; AND AUTHORIZING THE MAYOR TO EXECUTE A TERMINATION AND RELEASE OF EASEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE RELEASE OR THIS RESOLUTION

Passed: All present voting "aye."

VII. CONSENT AGENDA. *(These items are considered under one motion.)*

Motion/Second: Segelhorst/McIntire, to adopt:

1. Right-of-Way Easement with Kingsport Power Company (AF: 24-2017) (Ryan McReynolds).

Pass:

Resolution No. 2017-150, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

2. Right-of-Way Easement with Kingsport Power Company (AF: 25-2017) (Ryan McReynolds).

Pass:

Resolution No. 2017-151, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

3. Lease Agreement with Congressman Phil Roe for Office Space at the Kingsport Center for Higher Education (AF: 27-2017) (Chris McCartt).

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Pass:

Resolution No. 2017-152, A RESOLUTION APPROVING AN AMENDMENT TO THE TERM OF THE LEASE AGREEMENT WITH U.S HOUSE OF REPRESENTATIVES DISTRICT OFFICE FOR OFFICE SPACE FOR CONGRESSMEN PHIL ROE AT THE KINGSPORT CENTER FOR HIGHER EDUCATION; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE AMENDMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

4. Agreement with Dick's Sporting Goods for 2017 Parks and Recreation Baseball/Softball Program (AF: 06-2017) (Chris McCartt).

Pass:

Resolution No. 2017-153, A RESOLUTION APPROVING AN AGREEMENT WITH DICK'S SPORTING GOODS, INC., AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

5. Amend the Agreement with Gordon Food Service to Renew for an Additional Year (AF: 35-2017) (Jennifer Walker).

Pass:

Resolution No. 2017-154, A RESOLUTION APPROVING AN ADDENDUM TO THE AGREEMENT WITH GORDON FOODS FOR FOOD AND BEVERAGE ITEMS FOR THE KINGSPORT CITY SCHOOL NUTRITION SERVICES; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE ADDENDUM; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE ADDENDUM

Passed: All present voting "aye."

6. Approval of Easement and Right-of-Way across Affected Property for Phase 2 of the Colonial Heights Sanitary Sewer Extension Project (AF: 41-2017) (Ryan McReynolds).

Approve:

EASEMENT AND RIGHT-OF-WAY ACROSS AFFECTED PROPERTY FOR PHASE 2 OF THE COLONIAL HEIGHTS SANITARY SEWER EXTENSION PROJECT

Passed: All present voting "aye."

VIII. COMMUNICATIONS.

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- A. **CITY MANAGER.** Mr. Fleming stated the city budget received the Distinguished Budget Presentation award, recognizing Judy Smith and John Morris. He also provided a positive safety report regarding city employees and congratulated each department for a job well done.

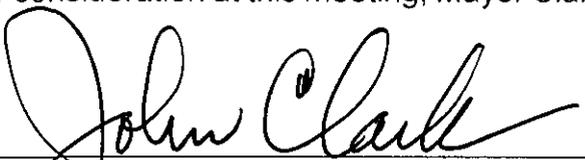
- B. **MAYOR AND BOARD MEMBERS.** Alderman Olterman commended Meadowview staff for the Party on the Moon Chamber event. Alderman George also thanked the Chamber for this event as well. She expressed appreciation for those that came to the Blue Ridge ribbon cutting. Vice-Mayor McIntire stated there would be an open house at DB Excel next week. He congratulated Alderman George on her new office space and also acknowledged the BMA walking team for getting over two million steps. Mr. McIntire thanked Judy Smith, noting we have received this award for many years and that only a small percentage of cities ever get it. Alderman Segelhorst thanked everyone for thoughts and well wishes during his recent surgery. He commented on the long streak of no injuries, the budget award, and also congratulated Alderman George, thanking her for investing in downtown Kingsport. Alderman Duncan stated his tie was signed by Leadership Kingsport, describing the efforts this organization makes to develop leaders. He mentioned the KCVB and the recent events they are bringing to Kingsport which make a positive impact on the city. Alderman Parham commented on the animal shelter, stating the goal is to be open by Friday, thanking the community for their support. Alderman Olterman pointed out his church is taking donations for the shelter and they can be taken to St. Paul's Episcopal Church. Mayor Clark highlighted the incentive package for the new apartments, the city school system, Bays Mountain Park and the Aquatic Center, all of which attract and retain residents to Kingsport.

- C. **VISITORS.** None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Clark adjourned the meeting at 8:28 p.m.


ANGELA MARSHALL
Deputy City Recorder




JOHN CLARK
Mayor